

REGULAR CITY COUNCIL MEETING
January 13, 1997

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Dale Roper	Council Member
Glen Swalberg	Council Member

ABSENT

Richard Waddingham	City Attorney
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Neil Forster	Public Works Director
Judy Baker	City Treasurer
Greg Schafer	City Employee
Darin Phelps	Millard County Chronicle/Progress
Ruth Hansen	Library Board Member
Karen Chandler	Library Board Member
Kirtt Myers	Library Board Member
David Hahn	Library Board Member
Deb Greathouse	City Librarian
Russell Greathouse	Proposed City Business Owner
Cindy Greathouse	Proposed City Business Owner
Andrea Bulloch	Real Estate Agent
Mike Barney	Topaz Condominiums
Val Christofferson	City Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, the local radio station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Dale Roper offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Special City Council Meeting held December 16, 1996 were presented for consideration and approval. The Council reviewed the minutes briefly. Following review, Council Member Robert Droubay MOVED to approve the Minutes of the Special City Council Meeting held December, 16, 1996, as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a discussion of the accounts payable, Council Member Gayle Bunker MOVED to approve the Accounts Payable in the amount of \$171,046.93. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESSCITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE

City Attorney Richard Waddingham was not able to attend the meeting, therefore, no Council action was taken.

NEW BUSINESSCOUNCIL MEMBER GAYLE BUNKER/RUSSELL GREATHOUSE: RECOMMENDATION FROM PLANNING COMMISSION CONCERNING A ZONE CHANGE FOR PROPERTY LOCATED AT 300 NORTH 350 EAST.

Council Members reviewed a memo from the Planning Commission which read as follows:

DELTA CITY
PLANNING & ZONING COMMISSION

DATE: January 9, 1997
TO: Delta City Council
FROM: Planning & Zoning Commission
SUBJECT: Russell Greathouse Request for Zone Change at 300 North 350 East

In a Planning Commission meeting held January 8, 1997, Russell Greathouse advised the Commission that he had made an offer to purchase the property located at 300 North

350 East and the offer had been accepted. The property has a church building which is not being used. Mr. and Mrs. Greathouse would like to convert the church to a wedding chapel and reception center to be used for weddings, receptions, company parties, etc., including facilities for outdoor receptions. The property is currently owned by the Southern Baptist Church and they would like to get the zoning changed so the church building can be sold and used for other purposes. When the Greathouses met with Zoning Officer Neil Forster, it was determined that the zone best suited to their intention for the property would be R-4. The Commission engaged in lengthy discussion regarding the proper zoning for the church area. It was determined that the church area should be zoned separately from the balance of the property. The Greathouses intend to subdivide the balance of the property, excluding the church area, into building lots to be sold for single family residences.

It is the recommendation of the Planning & Zoning Commission that the City Council set a public hearing for the purpose of receiving public comment regarding changing the zone on the property located at 300 North 350 East as follows:

Change from P/QP to R-1-B the property described as follows:

Beginning at a point on the Southeast corner of Lot 1, Block 86, Delta Townsite, Plat "A", as amended; thence North 330 feet; thence West 247.5 feet; thence South 330 feet; thence East 247.5 feet, to point of beginning.

Change from P/QP to R-4 the property described as follows:

Beginning at a point on the Northwest corner of Lot 4 Block 86, Delta Townsite, Plat "A", as amended; thence South 165 feet; thence East 247.5 feet; thence North 165 feet; thence West 247.5 feet, to point of beginning.

/s/ Pauline Warner, Chairperson

Council Member Gayle Bunker advised the Council that in order for Mr. and Mrs. Greathouse to turn the existing church building in to a wedding and reception facility, the zone needs to be changed to an R-4 zone. This would result in a spot zone, inasmuch as there is no other R-4 zone in the area. However, this is the only zone classification that would fit the purposes of the proposed use as a wedding and reception center. The Planning Commission felt that, even though this would create a spot zone, inasmuch as this is an existing building and the proposed use of the building is the best to come before the Planning Commission to date, they would be in favor of a spot zone for the church area only, with the balance of the property being zoned to single family residential (R-1-B).

Following discussion, Council Member Gayle Bunker MOVED to set the date for public hearing as February 10, 1997 at 6:30 p.m. for the purpose of receiving public comment regarding the proposed zone change for property located at 300 North 350 East. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments

or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER/VAL CHRISTOFFERSON: RECOMMENDATION
FROM PLANNING COMMISSION CONCERNING A SINGLE LOT SUBDIVISION AT 200
SOUTH CENTER STREET.

Council members reviewed a memo from the Planning Commission which read as follows

DELTA CITY
PLANNING & ZONING COMMISSION

DATE: January 9, 1997
TO: Delta City Council
FROM: Planning & Zoning Commission
SUBJECT: Val Christofferson Request for Approval of Preliminary/Final Plat for
Single Lot Subdivision at 200 South Center

In a meeting of the Planning & Zoning Commission held January 8, 1997, Val Christofferson appeared before the Commission and advised them that a home is currently under construction on the property located at 200 South Center and he would like to divide the single lot into two lots. The zone district is R-D (Residential Development) and the plan for the second lot would be for a single family residence. The Commission engaged in discussion as to lighting, curb and gutter, sidewalks, storm drainage, etc. in the area. Zoning Officer Neil Forster advised the Commission that there is an existing sidewalk on the east side of the property, there is street lighting in place on the corner of Center Street and 200 South, and curb and gutter would not be effective until the street paving is completed to the curb. Zoning Officer Forster also advised the Commission that this property is located in the old Delta Townsite and does qualify for the short plat, meaning that, if the Commission sees fit, the property owner could sign the improved lot agreement and complete curb and gutter when the other residents of the area complete curb and gutter.

It is the recommendation of the Planning & Zoning Commission that the City Council set a date for Public Hearing for the purpose of receiving public comment regarding the approval of a single lot subdivision on the property described as "The North one-half of Lot 4, Block 29" subject to the installation of a five foot sidewalk along the north side of the property (along 200 South street) and that the improved lot agreement be signed for the additional improvements to the property.

/s/ Pauline Warner, Chairperson

Council Member Gayle Bunker advised the Council that this property is located just south of Nickle Mortuary. Mr. Christofferson has a modular home on the east portion of the parcel and

would like to divide it into two parcels in order to put another home on the west of the existing home.

Following discussion, Council Member Gayle Bunker MOVED to set a public hearing on February 10, 1997 at 6:40 p.m. for the purpose of receiving public comment regarding the proposed single lot subdivision at 200 South Center. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER/GRANT NIELSON/MIKE BARNEY:
RECOMMENDATION FROM PLANNING COMMISSION CONCERNING A PLANNED
UNIT DEVELOPMENT PERMIT FOR TOPAZ CONDOMINIUMS.

Council Members reviewed a memo from the Planning Commission which read as follows:

DELTA CITY
PLANNING & ZONING COMMISSION

DATE: January 9, 1997
TO: Delta City Council
FROM: Planning & Zoning Commission
SUBJECT: Grant Nielson/Mike Barney Request for Planned Unit Development Permit for Topaz Condominiums

In a Planning Commission meeting held January 8, 1996, Mike Barney appeared before the Commission on behalf of Grant Nielson. Mr. Barney advised the Commission that he and Grant Nielson had obtained a permit and constructed the first unit of Topaz Condominiums. When attempting to sell the condominiums in the first unit, it came to their attention that the entire project should have been approved as a Planned Unit Development. They are now requesting approval for the entire project as a Planned Unit Development. Commission members reviewed the development plan provided to them by Mr. Barney and clarified any questions they had regarding the plan.

Commission Member Phil Sabey noted that the development plan showed four foot sidewalks and the City now requires five foot sidewalks. Mr. Barney advised the Commission that the sidewalks currently installed are five foot sidewalks and it is their intention to make all sidewalks five feet. Commission Member Sabey stated that the development plan drawings should be amended to include five foot sidewalks prior to final approval of the Planned Unit Development Permit for the project.

It is the recommendation of the Planning & Zoning Commission that the City Council set a date for Public Hearing to receive public comment regarding the approval of a Planned Unit Development Permit for Topaz Condominiums, subject to the original conditions stated in the minutes of the Planning & Zoning Commission Meeting held September 27, 1995; i.e., "14 total units subject to the location of the water and sewer lines (if water and

sewer lines are not moved, only 12 or 13 units will be built), and if the easements on the north side have not been recorded, that they be recorded, and that there be curb and gutter around the perimeter to the south side of the property and to the west side of the property with a five foot sidewalk. Also, that there be two street lights installed on the corner of 400 East Topaz and in the vicinity of the east driveway and that those lights become part of the City's street lighting system once they are installed."

/s/ Pauline Warner, Chairperson

Council Member Gayle Bunker reviewed the development plan for Topaz Condominiums which was provided by Mr. Barney. Council Member Gayle Bunker advised the Council that the four units on the east side are the units which have already been constructed. The initial units were approved and constructed then, approximately two months ago, City Attorney Richard Waddingham explained to the Council that the project should have been approved as a Planned Unit Development. This request is to correct that error and approve a Planned Unit Development Permit for the entire project. Council Member Gayle Bunker noted that the approval will be contingent upon relocation of the sewer and water lines if units 3 and 4 are built. The Planning Commission has stipulated that, if units 3 and 4 are constructed, the water and sewer lines will have to be relocated. Council Member Robert Dekker questioned whether the Council had already approved this project. He was advised by Council Member Gayle Bunker and Public Works Director Neil Forster that the Council had previously given approval for unit 1 but, at this time, request is being made for approval of the entire project.

Following lengthy discussion of the project, including curb, gutter, sidewalks, set backs, etc., Council Member Gayle Bunker MOVED that a public hearing be set for February 10, 1997 at 6:50 p.m. for the purpose of receiving public comment concerning a Planned Unit Development Permit for Topaz Condominiums. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: DRAINAGE PROJECT ON 100 SOUTH BEGINNING AT 250 WEST TO 400 WEST, THEN TO MAIN STREET.

Mayor Dafoe asked Public Works Director Neil Forster to explain the project to the Council. Public Works Director Forster explained that when the concrete ditch was put in at 500 South, the corner of 400 West had four inlets into the storm drain system which runs past the overpass, picks up another inlet on the other side of the overpass, and goes down near 500 West, then runs into a ditch. The result is that we are dumping storm water on private property outside the city limits. We are in need of a place for that water to drain into. In checking elevations, it appears that we need to tie into the 24" storm drain, which was installed last winter, that ends at the M.E. Bird Center, and bring it over to 400 West and up to Main Street to intercept the storm drain in that intersection. That would take water from 300 West. The estimated cost for the project would be approximately \$25,000. We have the funds available in Fund 47, Street and Drainage Capital Projects.

Following discussion, Council Member Dale Roper MOVED to approve the drainage project on 100 South beginning at 250 West to 400 West, then to Main Street. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: CUP REFUND.

Mayor Dafoe reviewed with the Council the meeting of the Mayors and County Commission. Also attending that meeting were representatives of the Water Conservancy District, which was in charge of administering some of the CUP funds. The County Commissioners advised those in attendance at the meeting that the actual refund amount will be just over \$1 million. The money will go to the Water Conservancy District and they have responsibility for distribution of the funds. The amount of \$200,000 has been set aside for a cloud seeding program. In addition, approximately \$150,000 has been allocated to the attorneys who represented the county in withdrawing from the Central Utah Project. There were also some administrative costs. The amount available is approximately \$650,000. Robert Nielson of Lynndyl is Chairman of the Water Conservancy District. Mr. Nielson stated that the Conservancy District feels that they would like to set up a revolving loan fund for water and sewer projects. This fund would be available to canal companies and cities for water and sewer projects, not to individuals. The loans would require repayment but would be low interest or no interest loans. The Conservancy District has scheduled a meeting for February 28, 1997 to receive advice on how to set up the revolving loan fund.

The Mayors questioned whether some of the funds could be used by cities to help retire some of the debt they have on water and sewer projects and were advised that the Water Conservancy District was not certain whether the funds could be used to retire existing debt. Some research will be done on this subject and will probably be discussed at the February 28th meeting.

Mayor Dafoe requested that as many members of the City Council as possible be in attendance at the February 28th meeting.

MAYOR DON DAFOE/COUNCIL MEMBER ROBERT DROUBAY: LIBRARY EXPANSION.

Mayor Dafoe advised the Council that the City Librarian has let the Mayor know that she has run out of space in the library. The reason for having this item put on the agenda at this time is that Mayor Dafoe has recently been appointed to the Six County Association of Governments Board of Directors. A recent meeting included a review of projects for which C.D.B.G. monies are being allocated. Millard County is being allocated \$97,873.00 for the 1997-98 program year. The money for this year is going to be earmarked for a water system in the Eskdale community. Mayor Dafoe stated that each year approximately \$566,000 is available for projects within the Six County region. Mayor Dafoe expressed the need to come up with a library expansion plan and put together an application in order to apply for some of these funds to be used in expanding our library. Mayor Dafoe would work to enhance our position during his appointment to the Board

of Directors. All monies requested from the Community Impact Board must first be approved by the Six County Association of Governments. Council Member Robert Droubay stated that the Library Board would like to request that, over the next two or three years, money be added to or set aside from Revenue Sharing funds in order to have funds set aside when matching funds become available. Mayor Dafoe stated that, before any funds can be applied for, we need to have a plan as to what we want to accomplish. We currently have approximately \$20,000 in the library construction fund which could be used to contract with an architectural firm to draw up some plans for expanding the present library or possibly a set of plans for another library building.

There were questions regarding what amount of space is needed, whether the county could be persuaded to invest some money into library expansion or a library building. Council Member Dale Roper suggested that we obtain information which would help determine what size library is needed, both at present and in the future.

Following extensive discussion, it was determined that the library board and City Librarian Deb Greathouse will gather additional information and, at the Library Board meeting scheduled for January 23, 1997, they will make recommendations to be presented to the City Council at their February 10, 1997 meeting. At that time, the Council will determine what expenditures should be made for studies, plans, etc.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE TO INCLUDE ORDINANCE GOVERNING SEXUALLY-ORIENTED BUSINESSES.

City Attorney Richard Waddingham was unable to attend the meeting, therefore, the Council agreed to table this item and put it on the agenda for the next City Council meeting.

OTHER BUSINESS

Council Member Dale Roper advised the Council that he has been contacted concerning "wavy roads", both at the intersection of Main Street and 400 West and also at 400 West and 200 North, just before it goes over the railroad tracks. Also, when we had the last heavy rainfall, the water was standing out into the street at the Citizens Telecom building because the curb and gutter is in poor condition. Council Member Roper contacted Citizens Telecom and was told that they would be willing to participate with the City in replacing the curb and gutter on 400 West and approximately one-half block on 100 North. Mayor Dafoe reported that he and Public Works Director Neil Forster had been talking about 400 West street and are hopeful that there can be some work done on 400 West from Main Street to 200 North this summer. This could include one block of 200 North between 400 West and 300 West.


Council Member Glen Swalberg complimented Public Works Director Neil Forster on the work done on Topaz Boulevard near Plaza Shears. He also advised the Council and Public Works Director Forster that there is a deep hole forming on 400 North and 300 West right on the turn.

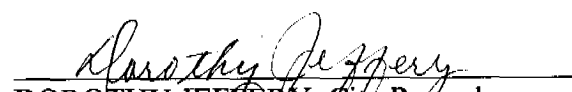
The hole is about a foot deep and about three to four feet long and Council Member Swalberg felt that some filler needed to be put in the hole.

Council Member Glen Swalberg advised the Council that the County has been holding planning meetings. He felt that someone from the City Council should be in attendance at the meetings. Mayor Dafoe agreed that the planning is for the entire county and it will impact Delta City, so we should have some input. The next meeting is scheduled for 7:00 p.m. on January 23rd at the Commission Chambers in Fillmore. Council Member Gayle Bunker said that he would attend the January 23rd meeting.

Mayor Dafoe advised the Council that he had checked to see what our current debt level is on our major bonds. The initial water revenue bond, established in 1975 for the water system, has a balance of about \$279,433.00. The original debt was \$400,000. Mayor Dafoe stated that we currently have a balance of \$266,784.00 in the capital reserve fund for water. The Board of Water Resources bond balance is almost \$75,000. The original loan from them was \$100,000 and we still have about \$21,000 in escrow which could be used for water upgrades. The balance of the General Obligation bond on the City Building is about \$40,000, which will be paid out in two years. The original balance was \$185,000. The balance of the money was received from C.I.B. and I.P.P Impact Alleviation Funds and the Chamber of Commerce and the Bookmobile also put some money into the building fund. The only other debt the City has is on a \$1.3 million street project. The obligation was for 25 years. Payments are made from interest on a \$555,000 investment and about \$12,500 annually from Class C Road funds. No general fund monies are used to pay this debt.

Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:55 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 02-10-97